MADRAS ACT No. I OF 1873.[1]

[THE MADRAS WILD ELEPHANTS PRESERVATION ACT, 1873.][2]

[*21st April 1873* ; *15th May 1873*.]

An Act to prevent the indiscriminate destruction of wild elephants.

Preamble. WHEREAS it is expedient to make provision to prevent the indiscriminate destruction of wild elephants within the Presidency of Madras ; It is hereby enacted as follows :—

Local extent. **1.** This Act extends to the territories for the time being subject to the Government of the Presidency of Fort St. George ;

Commencement. and it shall come into force on the first day of October 1873.

Destruction of wild elephants prohibited. **2.** From and after the said day the destruction of wild elephants is prohibited, except as hereinafter provided.

Penalty for destroying female elephants. **3.** [3][Whoever, not being authorized thereto by a licence granted under the provisions of section 3-A shoots at or intentionally destroys and whoever abets within the meaning of the Indian Penal Code, any person not authorized as aforesaid in shooting at, or destroying] any wild female elephant upon waste or forest land, whether such land be the property [4][of the Government] or otherwise, shall be liable to a penalty not exceeding five hundred rupees, and in default of payment to simple or rigorous imprisonment for a period not exceeding three months.

Central Act XLV of 1860

Penalty on second conviction. Any person convicted under this Act of an offence committed after his previous conviction under this Act shall be liable to a penalty not exceeding one thousand rupees, and, in default of payment, to simple or rigorous imprisonment for a period not exceeding six months.

[5][**3-A.** The District Collector, [6](

) may, subject to such rules as may

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[1] Short title, "The Madras Wild Elephants Preservation Act, 1873" was given by the Repealing and Amending Act, 1901 (Central XI of 1901).

For Statement of Objects and Reasons, *see Fort St. George Gazette*, Supplement, dated 25th February 1873, p. 4, for Proceedings in Council, *see ibid*, 25th February 1873, p. 2, and *ibid*, dated 22nd April 1873, p. 5.

The Act has been extended by a notification under section 5 of the Scheduled Districts Act, 1874, to the Bhadrachalam and Nugur taluks of the Godavari Agency—*see Fort St. George Gazette*, 1930, Pt. I, p. 553.

The Act is in force in all the other Agency tracts also.

[2] Repealed as to Coorg by Regulation 1 of 1881.

[3] The words within square brackets were substituted by section 2 of the Madras Wild Elephants Preservation (Amendment) Act, 1933 (Madras Act XXIV of 1933).

[4] The words "of the Crown" were substituted for the words "of Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

[5] Section 3-A was inserted by section 3 of the Madras Wild Elephants Preservation (Amendment) Act, 1933 (Madras Act XXIV of 1933).

[6] The words, "if specially authorized by the Board of Revenue," were omitted by section 2 of the Madras Wild Elephants Preservation Amendment Act, 1951 (Madras Act X of 1951).

Licence to shoot female elephants.

from time to time be made by the [1][State Government] on the application of any person, grant to such person by name a special licence to shoot or destroy wild female elephants upon waste or forest lands in a specified area situated within the district whether such lands be the property [2][of the Government] or otherwise subject to such conditions and restrictions [3]( ) as the District Collector may think fit, for a period not exceeding one year from the date of the grant of the licence.

Every such licence shall become void at the expiration of the said period, but may be renewed by such Collector for any period not exceeding one year :

Provided that every such licence shall become void upon the conviction under this Act of the person to whom such licence was granted.]

Penalty for destroying male elephant on Government land without licence.

4. Whoever, not being authorized thereto by a licence granted under the provisions of section 7, shoots at or intentionally destroys, [4][and whoever abets within the meaning of the Indian Penal Code, any person not authorized as aforesaid in shooting at or destroying] any wild male elephant upon waste or forest land, the property of [5][the Government] shall, upon a first or second conviction, be liable to the penalties and periods of imprisonment respectively provided for a first or second conviction in section 3 of this Act. Central Act XLV of 1860.

Saving clause as to destruction of male elephants on zamindari or private land.

5. Nothing in this Act shall be deemed to prevent any zamindar or other proprietor or occupier of land, or any person duly authorized in that behalf by any such zamindar, proprietor or occupier, from destroying wild male elephants upon the waste or forest-lands of such zamindar, proprietor or occupier.

Saving clause as to destruction of elephants on cultivated lands, etc.

6. Nothing in this Act shall be deemed to prevent any person from shooting at, or destroying, any wild male or female elephant found upon cultivated lands, or upon or in the immediate vicinity of any public road, or to prevent any person from shooting at, or destroying, any male or female elephant in defence of himself or any other person.

Licence to shoot male elephants.

7. The Collector or other officer in charge of a district may, subject to such rules as may from time to time be made by the [1][State Government], issue a licence to any person

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[1] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] The words "of the Crown" were substituted for the words "of Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

[3] The words "as the Board of Revenue may direction" were omitted by section 2 of the Madras wild Elephants Preservation (Amendment) Act, 1951 (Madras Act X of 1951.)

[4] These words were substituted by section 4 of the Madras Wild Elephants Preservation (Amendment) Act, 1933 (Madras Act XXIV of 1933).

[5] The words "the Crown" were substituted for the words "the Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

authorizing him by name to shoot wild male elephants upon waste or forest lands, the property of [1][the Government], in such district, for the period of one year from the date of the grant of such licence.

Every such licence shall become void at the expiration of the said period, but may be renewed by such Collector or other officer for a like period:

Provided that every such licence shall become void upon the conviction under this Act of the person to whom such licence was granted. Proviso.

8. The [2] [State Government] may make rules, for regulating the grant or renewal of licences under this Act, and the fees to be charged on such grant or renewal, and may from time to time alter or cancel such rules. Power to make rules for grant or renewal of licences.

9. Every prosecution under this Act shall be commenced within a period of six months from the date of the offence in respect of which it is instituted. Limitation of prosecution.

MADRAS ACT No. I OF 1876.[3]

[THE MADRAS LAND-REVENUE ASSESSMENT ACT, 1876.]

[*12th February 1876* ; *3rd March 1876*.]

An Act to make better provision for the separate assessment of alienated portions of permanently settled estates.

WHEREAS it is desirable to make better provision for the separate assessment to land-revenue of portions of Preamble.

[1] The words "the Crown" were substituted for the words "the Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

[2] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[3] Short title, "The Madras Land-revenue Assessment Act, 1876" was given by the Repealing and Amending Act, 1901 (Central Adt XI of 1901).

For Statement of Objects and Reasons, *see Fort St. George Gazette* Supplement, dated 2nd March 1875, page. 12; for Report of the Select Committee, *see ibid*, dated 16th November 1875, page. 1; for Proceedings in Council, *see ibid*, dated 2nd March 1875, page 4, *ibid*, dated 22nd November 1875, page 1 and *ibid*, dated 8th February 1876, page 2.

This Act took effect from 1st September 1876.

It has been declared by notification under section 3 (*a*) of the Scheduled Districts Act, 1874 (Central Act XIV of 1874), to be in force in the Scheduled Districts in Ganjam and Visagapatam—*see Gazette of India*, 1898, Part I, page 869, and *Fort St. George Gazette*, 1898, Part I, page 666. It has also been declared by a notification under the same section to be in force in the Muttas of Dutcharti and Guditeru of the Godavari Agency—*see Fort St. George Gazette*, 1930, Part. I, page. 553. The Act is in force in the rest of the Agency also. The Act is in force in the Nugur taluk of the East Godavari district in virtue of section 2 (1) of Regulation I of 1909.